



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Russell J. Gulley, Vice Chairman
Mr. Jack R. Wilson, III
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. M. D. "Pete" Stith, Jr., Deputy County Administrator
for Community Development
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlautdt, Planning Administrator,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department

Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Section, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administration
Section, Planning Department
Ms. Michelle L. Martin, Secretary, Administrative Section,
Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Jesse Smith, Senior Engineer,
Transportation Department
Mr. Steven Adams, Senior Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal John P. Jones,
Fire Department
Mr. Mike Etienne, Communications Specialist,
Planning Department, School Administration
Mr. James W. Eicher, CPTED Planner, Crime Prevention Unit,
Support Services Division, Police Department

WORK SESSION

Messrs. Gecker, Gulley, Wilson, Litton, Bass and staff met at 12:00 p. m. in the Multipurpose Meeting Room (1st Floor) of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

- A. Requests to **Postpone Action, Emergency Additions** or **Changes** in the **Order of Presentation**.
- B. Review **Upcoming Agendas**.
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed).
- C. Review **Day's Agenda**.
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed).
- D. **Plans and Information Section Update**.
- E. **Work Program – Review and Update**.
- F. **Consideration** of the following **Administrative Substantial Accord Determinations**:

CASE AND DISTRICT	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
07PD0321 Dale	New Cingular Wireless PCS, LLC	Substantial Accord Determination	RI732B Beulah
07PD0325 Matoaca	Richmond 20MHz, LLC	Substantial Accord Determination	RMB-0241 Summerford
07PD0328 Matoaca	Clearwire US LLC	Substantial Accord Determination	Clearwire VARCH002/Lucks Lane

- G. **Status Report - *Swift Creek Reservoir Master Plan and Maintenance Program*.**
- H. **Request to Reschedule Public Hearing for Zoning Application Amendment to Address Open Space within the Brandermill Community.**
- I. **Citizen Presentation relative to Transfer of Development Rights.**
- J. **Adjournment.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission amended the agenda to add a new item H., Proposed *Upper Swift Creek Plan* Amendment for discussion and reordered the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of May, June and July 2007.

Upon conclusion of discussion relative to the caseload for the May 15, 2007, meeting, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the Commission resolved to set the start time for the May 15, 2007, meeting at 6:00 p.m., with consideration of withdrawals, deferrals and consent cases from 6:00 p.m. to 7:00 p.m. and consideration of code and/or plan amendments and contested zoning and conditional use cases beginning at 7:00 p.m.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

The Commission indicated that should consideration of the withdrawals, deferrals and consent cases conclude prior to 7:00 p. m., the meeting would be recessed until 7:00 p. m. to allow individuals interested in code and/or plan amendments and contested zoning and conditional use cases to arrive.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins and Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p. m. Public Meeting and Hearing.

D. PLANS AND INFORMATION SECTION UPDATE.

There were no Plans and Information projects updates.

E. WORK PROGRAM.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the May 2007 Work Program, as presented.

F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATIONS:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
07PD0321 Dale	New Cingular Wireless PCS, LLC	Substantial Accord Determination	RI732B Beulah

No one was present to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission confirmed the Director of Planning's decision that the proposed facility (communications tower) for Case 07PD0321, New Cingular Wireless PCS, LLC (R1732B Beulah), was consistent with the Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PD0325
Matoaca

Richmond
20MHz, LLC

Substantial Accord
Determination

RMB-0241
Summerford

No one was present to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission confirmed the Director of Planning's decision that the proposed facility (communications tower) for Case 07PD0325, Richmond 20MHz, LLC (RMB-0241 – Summerford), was consistent with the Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PD0328
Matoaca

Clearwire
US LLC

Substantial Accord
Determination

Clearwire
VARCH002/Lucks Lane

No one was present to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission confirmed the Director of Planning's decision that the proposed facility (communications tower) for Case 07PD0328, Clearwire US LLC (Clearwire – VARCH002/Lucks Lane), was consistent with the Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

G. STATUS REPORT - SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM.

Messrs. McElfish and Flanigan updated the Commission as to the status of the *Swift Creek Reservoir Master Plan and Maintenance Program* relative to an analysis of the watershed modeling, noting the results and comparisons performed by the consultant, CH2M Hill, had been provided to the Commission for review.

Mr. Tim Hare, CH2M Hill consultant, was present to address concerns and answer questions.

Upon conclusion of the discussion, the Commission requested that additional information relative to efficiencies, etc., be provided at the May 15, 2007, Work Session.

H. UPPER SWIFT CREEK PLAN AMENDMENT.

Mr. Bowling presented an overview of the proposed *Upper Swift Creek Plan* Amendment, including documentation reflecting the latest available data as of April 10, 2007. He further noted staff anticipated that additional data from the Transportation and Environmental Engineering Departments would be forthcoming.

There was discussion relative to the timeframe within which the Commission had been requested by the Board of Supervisors to forward a recommendation on the proposed *Upper Swift Creek Plan* Amendment; integration of the environmental engineering/water quality elements into the land use plan; community input; and other concerns.

Mr. Gulley stated he did not feel the Commission had sufficient information to make an informed decision in May.

Mr. Gecker stated he was not comfortable with taking no action on the proposed *Plan* Amendment; however, at the same time, he was troubled that making a recommendation on the proposal to accommodate the Board's timeframe, without conducting community meetings, obtaining meaningful citizen input and integrating the environmental engineering/water quality elements into the land use plan, would be doing so in a vacuum and at too-fast-a-pace.

Mr. Wilson suggested the Commission wait until after the special public hearing on the proposed *Plan* Amendment scheduled for May 3, 2007, to request an extension.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission requested the Chairman formally request the Board of Supervisors grant the Commission additional time to make a recommendation on the proposed *Upper Swift Creek Plan* Amendment to the regularly scheduled July 17, 2007, meeting to allow the Commission an opportunity to integrate the environmental engineering/water quality elements into the land use plan and to obtain community input.

AYES: Messrs. Gecker, Gulley and Bass.

NAYS: Messrs. Wilson and Litton.

I. REQUEST TO RESCHEDULE PUBLIC HEARING FOR ZONING APPLICATION AMENDMENT TO ADDRESS OPEN SPACE WITHIN THE BRANDERMILL COMMUNITY.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission removed the request for a zoning application amendment to Case 74S021 to address a deficit in open space within the Brandermill Community from the May 15, 2007, public meeting agenda; requested staff advertise the application for public hearing on June 19, 2007, at 7:00 p. m.; and waive the requirements for disclosure.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

J. CITIZEN PRESENTATION RELATIVE TO TRANSFER OF DEVELOPMENT RIGHTS.

Ms. Andrea Epps presented an overview of, and distributed notebooks to the Commission containing, information relative to the transfer of development rights, outlining elements of the statute approved by the 2007 General Assembly.

K. ADJOURNMENT.

There being no further business to discuss, the Commission adjourned at 2:47 p. m., agreeing to reconvene in the Multipurpose Room at 3:00 p. m. for the public meeting.

3:00 P. M. PUBLIC MEETING

Mr. Gecker, Chairman, called the meeting to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building.

Mr. Gecker read a message from Mr. Lane Ramsey, County Administrator, noting that a moment of silent tribute was being observed throughout County government workplaces at 3:00 p. m. today in honor and memory of the victims of the tragedy that occurred April 16, 2007, on the campus of Virginia Polytechnic Institute and State University, Blacksburg, Virginia. He expressed condolences to the families and friends of the victims and to the Virginia Tech community and vast family of students, faculty, colleagues and alumni during this time of grief and indescribable loss.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the March 20, 2007, Joint Planning Commission/Historic Preservation Committee Meeting minutes and the March 20, 2007, regularly scheduled Planning Commission Evening Session minutes.

♦ MARCH 20, 2007 JOINT PLANNING COMMISSION AND HISTORIC PRESERVATION COMMITTEE MEETING MINUTES.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to approve the March 20, 2007, Joint Planning Commission/Historic Preservation Committee Meeting minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **MARCH 20, 2007 REGULARLY SCHEDULED PLANNING COMMISSION EVENING SESSION MINUTES.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to approve the March 20, 2007, Planning Commission regularly scheduled Evening Session minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRAL.**

07PR0264: In Midlothian Magisterial District, **KATHERMAN & COMPANY** requested deferral to June 19, 2007, for consideration of approval of architectural elevations for the proposed buildings shown on the site plan of companion Case 07PR0138. This project is commonly known as **RAILEY HILL OFFICE PARK (ARCHITECTURE)**. This request lies in Corporate Office (O-2), Neighborhood Business (C-2) and Community Business (C-3) Districts on an 8.6 acre parcel fronting approximately 190 feet on the east line of North Woolridge Road, also fronting approximately 150 feet on Browns Way Road, also fronting approximately 425 feet on Walton Park Lane. Tax IDs 732-706-7292 and 732-707-3219 and Part of 9933 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07PR0264 to the June 19, 2007, Planning Commission meeting.

Mr. Gecker opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported the deferral.

There being no one else to speak, Mr. Gecker closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 07PR0264, Katherman & Company (Railey Hill Office Park – Architecture), to the June 19, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

07PR0262: In Midlothian Magisterial District, **THE REBKEE COMPANY** requested an exception to Section 18-64 relating to the mandatory wastewater connection in conjunction with site plan review for a three (3) story office/retail building and four (4) single story retail buildings totaling approximately 90,000 square feet.

This project is commonly known as **SHOPPES AT WESTCHESTER**. This request lies in a General Industrial (I-2) District on 34.64 acres fronting approximately 1,075 feet on the north line of Midlothian Turnpike, west of Route 288. Tax IDs 714-711-Part of 9668 and 715-711-Parts of 0031, 4066, 8026 and 8157 (Sheet 5).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved that approval of an exception to Section 18-64 relating to the mandatory wastewater connection in conjunction with site plan review for a three (3) story office/retail building and four (4) single story retail buildings totaling approximately 90,000 square feet for Case 07PR0262, The Rebkee Company (Shoppes at Westchester), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Prior to occupancy, applicant/property owner must make application and receive a "Temporary Pump and Haul Permit" from the Health Department after complying with the following criteria:
 - a. Bond (Letter of Credit) for the value of offsite sewer line costs (including grading costs) must be posted by property owner (The Shoppes at Westchester – Phase I).
 - b. Maintenance bond (pump and haul) to insure maintenance is properly performed. Amount of bond will be determined at the time bond is posted.
 - c. An approved timeline for temporarily pumping and hauling with the understanding that Letter of Credit will be pulled to install offsite sanitary sewer line if line has not been completed 12 months from the date the temporary pump and haul permit has been issued.
 - d. Copy of formal Agreement between property owner (The Shoppes at Westchester–Phase I) and contractor to maintain pump and haul.
 - e. Letter/analysis from engineer on capacity and volume and rate of pumping must be submitted and approved by the Health Department.
 - f. The county has executed a county/developer contract for the offsite sewer line extension across Westchester Commons development; and has an executed county/developer contract for the proposed St. Ives development (north east side of Rt. 288 from the Westchester Commons development).
 - g. Dedicated sanitary sewer easements to County and/or necessary road right of way dedicated to County for offsite sewer line extension.
 - h. A variance obtained from Health Department per State Regulations Section 12 VAC 5-610-599.2
2. Prior to obtaining an occupancy permit, the applicant/property owner shall obtain a letter from the owners of those properties across which the off-site sewer lines will be constructed, stating that if the alternate alignment is chosen because the Westchester Commons development does not materialize by the time occupancy has been requested

for The Shoppes at Westchester–Phase I development, the current or any subsequent property developers agree to reconstruct said off-site sewer lines in a location with ground cover acceptable to the Utilities Department. And said owners of those properties where the offsite sewer line is constructed shall dedicate to the County all necessary easements, in the event that said off-site sewer lines are constructed in the alternate location depicted on the approved site plan for the “Westchester Commons” development.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PR0322: In Midlothian Magisterial District, **ZAREMBA METROPOLITAN MIDLOTHIAN LLC** requested Planning Commission approval of a project sign, as allowed by Zoning Case 06SN0191, to be located adjacent to Route 288 at the future intersection with Watkins Centre Parkway. This development is commonly known as **WESTCHESTER COMMONS @ WATKINS CENTRE**. This request lies in a General Industrial (I-2) District on part of four (4) parcels. Tax IDs 716-713-Part of 8051; 717-708-Part 1487; 717-711-0537 and 0707 (Sheet 5).

Mr. John Easter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved that approval of a project sign, as allowed by Zoning Case 06SN0191, to be located adjacent to Route 288 at the future intersection with Watkins Centre Parkway for Case 07PR0322, Zaremba Metropolitan Midlothian LLC (Westchester Commons at Watkins Center), shall be and it thereby was granted, subject to the following condition:

CONDITION

The sign shall be designed and located substantially as shown in this staff report and shall be only for the Westchester Commons development to be developed by the applicant.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07TW0313: In Matoaca Magisterial District, **DAVID C. AND MARY BETH SCHLOSSER** requested a development standards waiver to the Zoning Ordinance provision in 19-510(a)(1) to permit a recreational vehicle to be parked outside the required rear yard. This project is commonly known as **15536 PYPERS POINTE DRIVE**. This request lies in a Residential (R-25) District on a 1.2 acre parcel fronting approximately 162 feet on the west line of Pypers Pointe Drive, also fronting approximately 138 feet on the north line of Corte Castle Road. Tax ID 747-626-4498 (Sheet 39).

Ms. Mary Beth Schlosser, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission found Case 07TW0313, David C. and Mary Beth Schlosser (15536 Pypers Pointe Drive), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to the

Zoning Ordinance provision in 19-510(a)(1) to permit a recreational vehicle to be parked outside the required rear yard, subject to the following conditions:

CONDITIONS

1. The recreational vehicle shall be parked in the side yard adjacent to the dwelling and behind the front plain of the home at all times except during loading and unloading activities.
2. This Development Standards Waiver shall be granted exclusively to David C. and Mary Beth Schlosser, and not transferable with the land.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07TW0314: In Matoaca Magisterial District, **BRYAN S. AND KIM S. MILLER** requested a development standards waiver to the Zoning Ordinance provision in 19-510(a)(1) to permit a boat and a jet ski to be parked outside the required rear yard. This development is commonly known as **RIVERS TRACE**. This request lies in a Residential (R-25) District on a .97 acre parcel fronting approximately sixty-two (62) feet on the south line of Corte Castle Road. Tax ID 748-626-5114 (Sheet 39).

Mr. Bryan Miller, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission found Case 07TW0314, Bryan S. and Kim S. Miller (River's Trace Subdivision), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to the Zoning Ordinance provision in 19-510(a)(1) to permit a boat and a jet ski to be parked outside the required rear yard, subject to the following conditions:

CONDITIONS

1. The recreational vehicle shall be parked in the side yard adjacent to the dwelling and behind the front plain of the home at all times except during loading and unloading activities.
2. This Development Standards Waiver shall be granted exclusively to David C. and Mary Beth Schlosser, and not transferable with the land.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

07PR0220: In Matoaca Magisterial District, **EDCO, LLC** requested Planning Commission approval of a site plan for an approximately 534,000 square foot shopping center. This project is commonly known as **HANCOCK VILLAGE**. This request lies in a Community Business (C-3) District on 87.3 acres fronting

approximately 2,400 feet on the south line of Hull Street Road, also fronting Winterpock Road, Ashbrook Parkway and Ashlake Parkway. Tax IDs 722-670-1277; 723-670-2104 and 5090; and 723-671-1312, 5205 and 5328 (Sheet 15)

Mr. Allen presented an overview of the request and staff's recommendation for denial. He referenced an Addendum, distributed to the Commission earlier in the day, denoting that the applicant was requesting withdrawal of all elements of the site plan except site access. He stated staff recommended denial of the site access, as shown on the current proposal; however, should the Commission see fit to grant approval of the plan, staff recommended the Commission address the site access to Hancock Village with the condition outlined in the Addendum.

In response to questions from the Commission, Mr. Jesse Smith addressed transportation issues and answered questions pertaining to a proposed access road connecting the shopping center to Ashbrook Parkway; distribution of traffic with and/or without the access connection to Ashbrook Parkway; signalization; and other issues of concern.

Mr. Bass stated he felt the access road connecting the shopping center to Ashbrook Parkway would split the development and not be in the best interest of the public.

Mr. Litton stated he would like to see what type of development was planned for the site prior to a decision being made as to the road location. He stated he could support the proposal provided the property was not developed residentially and the access road did not align with the existing internal road.

In response to a question from Mr. Gecker, Mr. Smith stated the connector road was necessary to relieve traffic directly onto Hull Street Road and would best facilitate the proposed layout of the development.

Mr. Jim Theobald, the applicant's representative, did not accept staff's recommendation, noting the zoning of the property was negotiated in 1995 with a significant number of transportation proffers but there was no discussion relative to providing a proffered condition addressing the requirement for a special access connector road. He stated the applicant objected to the provision of a special access connector road as it would not be of benefit to the subject property but to other off-site properties and area residents opposed the road as well. He asked that the Commission approve the site access, as shown on the applicant's site plan with the condition outlined in the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Bass stated numerous community associations reviewed the plans and, although there had been some apprehension, after reviewing the plans and the quality of the development, residents were in favor of the proposal. He stated he felt the developer would provide a quality project but that the road, as proposed with the condition in the Addendum, would be detrimental; therefore, he would accept the applicant's withdrawal of all elements of the site plan except the site access and recommend approval of the site access with the imposition of an alternative condition.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission acknowledged withdrawal of all elements of the site plan except the site access; and resolved that approval of the site access, without imposition of the condition outlined in Addendum, for Case 07PR0220, EDCO, LLC (Hancock Village), shall be and it

thereby was granted, subject to the following condition, as imposed by Mr. Bass, denoting that any future site plan for the vacant parcel to the south shall be approved by the Planning Commission:

CONDITION

Vehicular access shall be provided through Hancock Village from Hull Street Road to Ashbrook Parkway as a special access road with a minimum right of way width of forty (40) feet to be dedicated to Chesterfield County. Right and left turn lanes shall be constructed along Ashbrook Parkway at the special access road intersection. Final location of the special access road shall be approved by the Chesterfield Department of Transportation, and site layout changes necessary to accommodate the special access road shall be reviewed and approved by County staff.

(Note: By withdrawing all elements of the site plan except site access, the applicant may choose to pursue site plan approval through either the administrative or Planning Commission review processes. The decision by the Planning Commission addresses only the site access as shown on the proposed site plan.)

AYES: Messrs. Gulley, Wilson, Litton and Bass.

NAY: Mr. Gecker.

07PS0265: In Clover Hill Magisterial District, **VILLAGE BANK** requested schematic plan amendment to permit an additional access on Genito Road to the Waterford Shopping Center. This development is commonly known as **WATERFORD SHOPPING CENTER**. This request lies in a Light Industrial (I-1) District on a 9.12 acre parcel fronting approximately 290 feet on the north line of Genito Road. Tax ID 730-688-Part of 2683 (Sheets 9 and 10).

Mr. Lamson presented an overview of the request and staff's recommendation for denial, noting the applicant's schematic plan reflected a proposed access to Genito Road that was not acceptable to the Transportation Department. He stated the proposed access, located within the existing turn lane that facilitates westbound Genito Road traffic turning right onto northbound Charter Colony Parkway, should be moved to the east so that it is located outside of the existing right turn lane; and that a new right turn lane should also be constructed to facilitate turning movements into the site. He referenced the Addendum denoting that the applicant submitted a revised entrance configuration on April 3, 2007.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting the applicant was requesting additional access to improve the viability of the shopping center; and he felt the proposed design would meet requirements of the Virginia Department of Transportation (VDOT).

Mr. Gecker opened the discussion for public comment.

Ms. Andrea Epps, a County resident, expressed concerns relative to multiple accesses, traffic volumes and safety movements, noting she supported the County Transportation staff's recommendation.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from Mr. Gulley, staff addressed concerns and answered questions relative to the proposed access; the revised entrance configuration submitted on April 3, 2007; receipt of the Addendum on the day of the meeting; site distance; and other concerns.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that approval of the schematic plan amendment, as submitted by the applicant and attached to the Addendum, to permit an additional access on Genito Road to the Waterford Shopping Center for Case 07PS0265, Village Bank-Waterford Shopping Center (Village Bank), shall be and it thereby was granted.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

D. FIELD TRIP AND DINNER SELECTIONS.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to meet for dinner at Riptides Seafood Restaurant at 5:00 p. m.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission adjourned the 3:00 p. m. Public Meeting at approximately 4:08 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. PUBLIC MEETING AND HEARING

Mr. Gecker, Chairman, called the public meeting and hearing to order at 7:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

Mr. Gecker read a message from Mr. Lane Ramsey, County Administrator, noting that a moment of silent tribute was observed throughout County government workplaces at 3:00 p. m. today in honor and memory of the victims of the tragedy that occurred April 16, 2007, on the campus of Virginia Polytechnic Institute and State University, Blacksburg, Virginia. He expressed condolences to the families and friends of the victims and to the Virginia Tech community and vast family of students, faculty, colleagues and alumni and asked that a moment of silence be observed at this time.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were thirty-seven (37) cases scheduled on the May 15, 2007, agenda; thirteen (13) cases scheduled on the June 19, 2007, agenda; and one (1) case scheduled on the July 17, 2007, Planning Commission meeting agenda.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission amended the agenda to move Case 07SN0205, Goode Land Company, from the Deferral Request by Applicant Agenda to the Contested Agenda.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures for rezonings and conditional uses.

F. CITIZEN COMMENT ON UNSCHEDULED MATERS.

There were no citizens comments on unscheduled matters at this time.

G. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUEST FOR WITHDRAWAL.**

07SN0266: In Matoaca Magisterial District, **STEVEN FORTE AND LISA L. FORTE** withdrew the request for Conditional Use and amendment of zoning district map to permit a two (2) family dwelling in a Residential (R-9) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 0.5 acre and is known as 15036 Fox Branch Lane. Tax ID 716-675-7824.

No one was present to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Case 07SN0266.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

07SN0282: In Midlothian Magisterial District, **LUCAS PROPERTIES, LLC** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 12.1 acres fronting approximately 670 feet on the southwest line of Robious Road approximately 120 feet west of Corner Rock Road, also fronting approximately 600 feet on the west line of Corner Rock Road approximately 240 feet south of Robious Road. Tax IDs 734-717-9054 and 735-717-1268, 1405 and 2943.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN0282 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0282 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0220: In Dale Magisterial District, **BROOKSTONE BUILDERS** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-12) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 188 acres fronting in two (2) places approximately 1,250 feet on the north line of Jacobs Road, also fronting approximately 1,150 feet on the west line of Fordham Road and lying at the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 06SN0220 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 06SN0220 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0244: In Bermuda Magisterial District, **H. H. HUNT CORPORATION** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map of a 1,445.4 acre tract from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use to permit recreational facilities on 43.5 acres of the 1,445.4 acre tract and rezoning of a 169.1 acre tract from Agricultural (A) to Regional Business (C-4) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use on 3.0 acres of the 169.1 acre tract to permit an above-ground utility structure (water pump station). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and residential use of 1.01-2.5 units per acre. This request lies on 1,614.5 acres fronting approximately 2,890 feet on the south line of Bradley Bridge Road, also fronting in two (2) places for approximately 9,490 feet on the west line of Branders Bridge Road. Tax IDs 780-644-8171; 781-637-Part of 6541; 781-639-3251; 781-641-6250; 783-635-0505; and 784-641-6810.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 06SN0244 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0244 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0180: In Bermuda Magisterial District, **PAGE DEVELOPMENT CO.** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 18.3 acres lying approximately 490 feet off the south line of Treely Road approximately 180 feet east of Eves Lane. Tax ID 791-637-Part of 7209.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN018 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0180 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0262: (Amended) In Matoaca Magisterial District, **SKINQUARTER LLC** requested deferral to June 19, 2007, for consideration of amendment to Conditional Use (Cases 88SN0005 and 04SN0312) relative to the Master Plan, buffers and development standards plus Conditional Use to allow a landfill and material recycling operation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 99.3 acres fronting approximately 40 feet on the south line of Hull Street Road approximately 2,700 feet west of Skinquarter Road. Tax IDs 689-666-8726; 690-664-Part of 5058; and 690-666-8719.

Mr. William Shewmake, the applicant's representative, requested deferral of Case 07SN0262 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0262 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0146: (Amended) In Midlothian Magisterial District, **WINTERVEST, LLC** requested deferral to June 19, 2007, for consideration of amendment of Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to uses and development requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use. This request lies in a Community Business (C-3) District on 25.0 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 850 feet on the south line of the Norfolk Southern Railroad approximately 640 feet west of Winterfield Road. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 9121 and Part of 7661; and 725-709-1125.

Mr. John Easter, the applicant's representative, requested deferral of Case 07SN0146 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0146 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

05SN0221: (Amended) In Matoaca Magisterial District, **PIEDMONT VENTURE, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use

Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 164.2 acres fronting approximately 1,600 feet on the south line of Genito Road approximately 2,400 feet east of Mt. Hermon Road. Tax ID 705-687-3536.

Mr. Jim Theobald, the applicant's representative, objected to deferral of Case 05SN0221 by Mr. Bass, noting the application, filed in 2005, was awaiting the outcome of the proposed *Upper Swift Creek Plan* Amendment to no avail and asked the Commission to forward the request to the Board of Supervisors for consideration.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 05SN0221 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.



REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.

07SN0265: In Matoaca Magisterial District, **HICKORY ROAD LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.5 units per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 53.9 acres fronting approximately 990 feet on the south line of Hickory Road approximately 680 feet west of Graves Road. Tax ID 767-623-Part of 5010.

Mr. Sam Ragsdale, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Bass, Mr. McCracken and Dr. Etienne addressed issues and answered questions relative to road improvements in the Hickory and Graves Roads area and student capacities at the Ettrick/Matoaca elementary and middle schools.

Mr. Bass stated he had received numerous telephone calls relative to the cumulative number of requests for small acreage rezonings in the area and their cumulative impact on traffic volumes and road improvements. He stated he felt it necessary to address the cumulative impact of such developments and, therefore, he could not support the request.

Mr. Bass made a motion to recommend denial of Case 07SN0265.

Mr. Gecker asked that staff present of an overview of the case; therefore, Case 07SN0265 was placed with those cases requiring discussion.

07SN0268: In Matoaca Magisterial District, **TONYA P. SIMINGTON** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 0.5 acre and is known as 7100 Branched Antler Circle. Tax ID 727-671-3008.

Ms. Tonya Simington, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0268, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for, Tonya P. Simington, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0275: In Matoaca Magisterial District, **JARED SWANSON** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 0.3 acre and is known as 13732 War Admiral Drive. Tax ID 729-669-4038.

No one was present to represent the request.

In response to questions from Mr. Gecker, Ms. Peterson stated staff had been in contact with Mr. Swanson and he was aware he needed to attend the meeting.

Mr. Bass stated Mr. Swanson had not been responsive to any of his communications or requests.

Mr. Gecker suggested staff contact Mr. Swanson, as a matter of courtesy, and placed Case 07SN0275 at the end of the agenda to allow him an opportunity to arrive at the meeting.

07SN0281: In Clover Hill Magisterial District, **BAYHILL DEVELOPMENT CORP.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 59.4 acres fronting approximately 880 feet on the east line of South Old Hundred Road across from Brandermill Parkway. Tax IDs 731-685-8002 and 732-685-4864.

Mr. Jeff Geiger, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0281 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated March 19, 2007 shall be the Master Plan. (P)
2. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the Property, \$15,600.00 per dwelling unit, if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, not to exceed \$15,600.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B & M)
3. Utilities.
 - a. The public water and wastewater systems shall be utilized.
 - b. To provide two water feed connection points for this site and the adjacent Old Hundred Mill Subdivision Section "B", the developer shall connect the on-site water line to the existing eight (8) inch water line in Mill Meadow Drive and a

second location to be determined by the developer's engineer and approved by the County Utilities staff.

- c. To the extent the development exceeds two hundred fifty-nine (259) dwelling units, the developer shall make all necessary adjustments to the sizing and slope of the existing sewer system in "Old Hundred Mill Subdivision Section B" to accommodate capacity for the development of up to three hundred (300) dwelling units on this property. (U)
4. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. Except for clearing for roads and utilities, any such timbering shall be phased to coincide with the phasing of development. (EE)
5. No Sole Access. No lots shall have sole vehicular access through Old Hundred Mill Subdivision. (P)
6. Overall Density. The aggregate density on the Property shall not exceed three hundred (300) dwelling units. (P)
7. Buffers. All required buffers shall be located within recorded open space. (P)
8. Materials. The exterior facades of all homes shall be of brick, stone or vinyl siding having a minimum thickness of 0.042 mils, or a combination of the foregoing. Masonite siding shall not be utilized. (P & BI)
9. Restrictive Covenant. The following restrictive covenants shall be recorded prior to, or in conjunction with, the recordation of any subdivision plat:
 - a. The required Homeowners' association for the townhome development shall be responsible for the maintenance of the exteriors of homes as follows: (a) painting, repair, maintenance and replacement of gutters and downspouts; (b) maintenance of roofs, shingles, sheathing and felt; and (c) exterior building wall surfaces (exclusive of doors and windows).
 - b. The style and color of any front-loading garage doors shall be designed to de-emphasize their appearance from the street through the use of color, architectural elements and design, and architectural fenestration as determined by the Board of Directors or Architectural Review Committee of the required Homeowners' association. (P)
10. Transportation.
 - a. Direct vehicular access from the Property to Old Hundred Road shall be limited to one (1) public road that aligns Brandermill Parkway.

- b. To the extent not provided by others, the developer shall be responsible for:
 - i. the construction of right and left turn lanes at the intersection of Old Hundred Road and the approved public road intersection, based on Transportation Department standards;
 - ii. the full cost of traffic signalization, if warranted as determined by the Transportation Department, of the Brandermill Parkway/Old Hundred Road intersection; and
 - iii. dedication, free and unrestricted to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required to construct these improvements.
 - c. Prior to any construction plan approval, a phasing plan for the improvements identified in Proffered Condition 10 shall be submitted to and approved by the Transportation Department.
 - d. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from the date of a written request by the Chesterfield County Public Schools, whichever occurs first, that portion of right-of-way for the access road to the proposed Clover Hill High School as substantially shown on Exhibit A attached hereto and made a part hereof, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - e. All roads that accommodate general traffic circulation, as determined by the Transportation Department, shall be constructed to VDOT standards and accepted into the State System.
 - f. In conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the easterly side of Old Hundred Road, measured from the existing centerline of that part of Old Hundred Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
11. Additional Landscaping. In order to substantially mitigate the view of the back of the townhomes as seen from the intersection of Old Hundred Road and Brandermill Parkway Extended, landscaping at two times the density of Perimeter Landscaping C as set forth in the Zoning Ordinance shall be provided within the thirty (30) foot buffer for a distance of one hundred fifty (150) feet along Brandermill Parkway Extended from said intersection. (P)
12. Minimum Square Footage. Each dwelling unit shall have a minimum of one thousand five hundred (1,500) square feet of gross floor area. At the time of complete development, a minimum of sixty percent (60%) of the dwelling units shall have a minimum of one

thousand seven hundred (1,700) square feet of gross floor area. The developer shall maintain a record of the gross floor area of each dwelling unit and shall provide such list when and as requested by the County. (P)

13. Construction Access. Mill Meadow Drive shall not be used as a construction access for the initial development of the Property. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0283: In Bermuda Magisterial District, **ELLMER PROPERTIES CHESTERFIELD II LLC** requested rezoning and amendment of zoning district map from General Industrial (I-2) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 3.9 acres lying approximately 650 feet off the south line of Ruffin Mill Road approximately 1,500 feet east of Interstate 95. Tax ID 805-637-Part of 4128.

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0283 and acceptance of the following proffered condition:

PROFFERED CONDITION

The public water and wastewater systems shall be used. (U)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0284: In Midlothian Magisterial District, **PAGE DEVELOPMENT COMPANY** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general business uses. This request lies on 6.3 acres fronting approximately 250 feet on the southwest line of Old Buckingham Road approximately 420 feet northwest of Huguenot Road. Tax ID 739-709-6117.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0284 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a

land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

2. Direct vehicular access from the property to Old Buckingham Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. There shall be no vehicular access from the property to the driveway to the south that aligns with the Grove Road intersection at Route 60. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0256: In Dale Magisterial District, **HENRY E. MYERS, JR. (GENERAL PARTNER OF MYERS FAMILY PARTNERSHIP)** requested rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 6.9 acres fronting approximately 840 feet on the south line of Lori Road, also fronting approximately 330 feet on the east line of Frith Lane and located in the southeast quadrant of the intersection of these roads. Tax ID 769-663-Part of 9114.

Mr. Ben Myers, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. John V. Cogbill, III, voiced opposition to the request.

There being no one else to speak, Mr. Gecker closed the public comment.

Since there was opposition present, it was the consensus of the Commission to place Case 06SN0256 on the agenda with those cases requiring discussion.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 07SN0265, Hickory Road LLC.

07SN0265: In Matoaca Magisterial District, **HICKORY ROAD LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.5 units per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 53.9 acres fronting approximately 990 feet on the south line of Hickory Road approximately 680 feet west of Graves Road. Tax ID 767-623-Part of 5010.

Ms. Peterson presented an overview of the request and staff's recommendation for approval, noting the proposed zoning and land uses conformed to the *Southern and Western Area Plan* and the proffered conditions adequately addressed the impacts of this development on necessary capital facilities.

Mr. Sam Ragsdale, the applicant's representative, explained the proposed development was limited to twenty-two (22) residential lots and noted proffered conditions to include full cash proffers; extension of

water lines to Sandy Ford Road; and the dedication of right of way. He stated he was unaware of any neighborhood opposition to the request.

There was discussion relative to the subdivision of lots from the parent parcel; whether or not there were other similar zoning cases in the area; the lack of right of way to provide road improvements beyond the property frontage; and other issues of concern.

Mr. Bass stated he felt approval of small acreage rezoning requests would only incrementally worsen the impact on public facilities.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Bass made a motion to recommend denial of Case 07SN0265; Mr. Gulley seconded the motion for discussion.

Mr. Litton stated he anticipated requests for small acreage rezoning would become the “norm” because of recent State legislation requiring traffic analyses on developments greater than fifty (50) lots.

Mr. Wilson indicated the proposal conformed to the County’s Cash Proffer Policy and complied with the *Plan*. He stated he felt it unfair to changes the rules with respect to zoning cases without an overall change in policies.

Mr. Gecker stated he concurred with Mr. Bass, noting approval of small acreage developments have an incremental cumulative impact on infrastructure.

Mr. Gulley stated the concern could be addressed with *Plan* amendments requiring the aggregation of parcels and would discourage the subdividing of land to avoid requirements for major road and/or infrastructure improvements.

The vote on Mr. Bass’ motion was as follows:

AYES: Messrs. Gecker, Gulley, Litton and Bass.
NAY: Mr. Wilson.

Mr. Turner recalled Case 06SN0256, Henry E. Myers, Jr. (General Partner of Myers Family Partnership).

06SN0256: In Dale Magisterial District, **HENRY E. MYERS, JR. (GENERAL PARTNER OF MYERS FAMILY PARTNERSHIP)** requested rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 6.9 acres fronting approximately 840 feet on the south line of Lori Road, also fronting approximately 330 feet on the east line of Frith Lane and located in the southeast quadrant of the intersection of these roads. Tax ID 769-663-Part of 9114.

Ms. Peterson presented an overview of the request and staff’s recommendation for approval, noting the proposed zoning and land uses conformed to the *Central Area Plan* and were representative of, and compatible with, existing and anticipated area development.

Mr. Ben Myers, the applicant's representative, accepted staff's recommendation and asked the Commission to forward a favorable recommendation to the Board of Supervisors for consideration.

Mr. Gecker opened the discussion for public comment.

Mr. John V. Cogbill, III, representing Ms. Ruby Smith, a life-long County resident and adjacent property owner, stated Ms. Smith did not object to the development; however, she was asking that access be limited to either Frith Lane or Iron Bridge Road. He stated Ms. Smith's porch was only fifteen (15) yards from the edge of the Lori Road pavement; she was concerned about the increasing volume of traffic along Lori Road; and was asking that consideration be given to allowing her some semblance of peace and quiet.

Mr. Lee Stone, representing the Branch's Trace Homeowners Association, expressed concerns relative to access to Lori Road and asked that other access options be explored.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Myers addressed concerns relative to access, noting that providing access to Iron Bridge Road was not financially feasible.

In response to questions from Mr. Litton, Mr. McCracken addressed concerns/answered questions relative to the proposed access; alternative access options; future improvements that could impact access; signalization; and other concerns. He stated access to Iron Bridge Road was a better option than access to either Frith Lane or Lori Road.

Mr. Litton stated he had met with the applicants and offered several access alternatives; however, they were not receptive to any of them. He expressed concerns that the request was not limited to a specific land use; that traffic generation would be difficult to anticipate since a specific use was unknown; and that the traffic generated would further congest the intersection of Iron Bridge and Beach Roads.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend denial of Case 06SN0256.

AYES: Messrs. Gecker, Gulley, Wilson and Litton.
NAY: Mr. Bass.

Mr. Turner recalled Case 07SN0205, Goode Land Company.

07SN0205: In Midlothian Magisterial District, **GOODE LAND COMPANY** requested rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 2.1 acres fronting approximately 200 feet on the south line of Midlothian Turnpike, also fronting approximately 390 feet on the west line of Otterdale Woods Road and located in the southwest quadrant of the intersection of these roads. Tax ID 721-709-3240.

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses failed to comply with the recommendations of the *Route 288 Corridor Plan*, the standards suggested by the *Plan* for locating supporting small scale, retail uses and did not address the impact on the transportation network. She further noted revised proffered conditions relative to the Traffic Impact Study and commitments for Utility improvements were incomplete at this time.

In response to a question from Mr. Gecker, Ms. Orr noted the revised transportation and utility proffered conditions were received on April 13, 2007.

Mr. Jim Theobald, the applicant's representative, did not accept staff's recommendation, noting this was a request for a bank or office use. He stated previous efforts to bring an industrial use to the site had been lost; the applicant had given up access to Route 60 but needed the ability to use the Buckingham Service Road for the project to thrive; felt a median was not needed and would be detrimental to the use; and outlined other proposed improvements.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker asked that a copy of the revised proffered conditions submitted on April 13, 2007, be provided to the Commission.

In response to questions from Mr. Gecker, Messrs. McCracken and Phelps, respectively, addressed issues relative to the transportation and utility improvements. Specifically, Mr. Phelps stated he had not had an opportunity to thoroughly review the April 13, 2007, proffers and he had previously advised the applicant that the Utilities Department would not support a pump station.

Mr. Gecker cited elements of the proposal, including its prior history, noting he could not support a recommendation for approval based on the proposed zoning and use failing to comply with the area *Plan* and the applicant's failure to adequately address transportation and utility issues.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 07SN0205.

AYES: Messrs. Gecker, Gulley and Bass.
ABSTENTIONS: Messrs. Wilson and Litton.

07SN0280: In Clover Hill Magisterial District, **GENITO TOWNES, LLC** requested rezoning and amendment of zoning district map from Community Business (C-3) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 17.9 acres fronting approximately 760 feet on the north line of Genito Road approximately 540 feet east of Clintwood Road; also fronting the east termini of Davelayne and Delgado Roads and the southern terminus of Oakmeadow Lane. Tax ID 743-685-2000.

Ms. Peterson presented an overview of the request and staff's recommendations, noting the current zoning and associated conditions were highly negotiated with area property owners. She stated that, after consideration of public input, should the Commission wish to approve the rezoning, approval would be

appropriate, subject to the applicant addressing concerns relative to crime prevention measures recommended by the Police Department. She further stated the application failed to address connectivity to Davelayne Road, Delgado Road and Oakmeadow Lane per the Board's adopted "Residential Subdivision Connectivity Policy," and staff recommended denial of the waiver to connectivity.

Mr. Jim Theobald, the applicant's representative, did not accept staff's recommendation, noting that although the applicant had worked closely with area property owners to negotiate the current Community Business (C-3) zoning, the zoning had not achieved fruition and subsequently, the applicant was requesting to change the rezoning.

Mr. Gecker opened the discussion for public comment.

Mr. Mike Manzelli, Mr. Steven Marks, Ms. Pam Rose and Ms. Joyce Lucord, residents of Genito Forest Subdivision, voiced concerns relative to potential road connections resulting in cut-through and increased traffic; devaluation of property values; overcrowding of area schools; the impact of the development on area residents' quality of life, and crime; however, supported the request for a waiver to the Connectivity Policy.

Dr. Mike Harton, President of the Responsible Growth Alliance for Chesterfield, expressed concerns that more commercial, not residential, development was needed and stated the property should be developed as currently zoned.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Theobald stated the current request would be more beneficial than C-3 uses and asked that the applicant be granted relief to the connectivity requirement, noting revised Proffered Condition 13, outlined in the Addendum, precluding vehicular access through Lake Genito or Genito Forest Subdivisions.

In response to questions from Mr. Gulley, Mr. McCracken indicated there was currently a significant cut-through traffic problem in the area and that he preferred precluding vehicular access through Lake Genito or Genito Forest Subdivisions.

Mr. Gulley stated he had been contacted by approximately sixty (60) individuals opposing a connection between the development and their communities; that the original rezoning, as well as this request, had been highly negotiated; that there were provisions to mitigate the development's impact on schools; and he felt the current proposal was more compatible and appropriate than the previous one.

Mr. Theobald addressed concerns and answered questions from Mr. Gecker noting a decision had not been made as to whether the units would be age-restricted or age-targeted; however, if the decision was made to age-restrict, the proffered conditions addressed that issue.

In response to questions from Mr. Gecker, Ms. Rogers briefly explained the original zoning, layout and use restrictions.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of the rezoning for Case 07SN0280 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated March 16, 2007 shall be considered to be the Master Plan. (P)
2. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the Property:
 - a. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, not to exceed \$15,600.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
 - b. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, subdivider, or assignee(s) shall pay \$10,269.00 per dwelling unit if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, not to exceed \$10,269.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$10,269.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269.00 shall be prorated as set forth above.

Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

3. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designed as age-restricted shall be restricted to "housing for

older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. Any lots for age-restricted dwelling units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential units. At the time of recordation of a subdivision plat or the approval of any site plan, the lots shall be noted as age-restricted. Any site plan for age-restricted dwelling units shall also note the restriction. To the extent a subdivision plat is not required, the age restriction shall be recorded as a restrictive covenant prior to site plan approval. (B&M)

4. Utilities. The public water and wastewater systems shall be utilized. (U)
5. Stormwater Runoff. Stormwater runoff shall be retained based upon the ten (10) year post-development rate and released based upon the two (2) year pre-development rate, and stored based upon the one hundred (100) year post-development rate and released at a rate such that the existing culvert under Genito Road meets current VDOT criteria. (EE)
6. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
7. Overall Density. The aggregate density on the Property shall not exceed 4.5 units per acre. (P)
8. Buffers.
 - a. Buffers, a minimum of seventy-five (75) feet in width, shall be provided adjacent to Lake Genito and Genito Forest Subdivisions. Such buffers shall comply with the Zoning Ordinance requirements for seventy-five (75) foot buffers and shall incorporate a solid board fence a minimum of six (6) feet in height through the length of these buffers.
 - b. All required buffers shall be located within recorded open space. (P)
9. Materials. The exterior facades of all homes shall be of brick, stone or vinyl siding having a minimum thickness of 0.042 mils, or a combination of the foregoing. Masonite siding shall not be utilized. (P)
10. Restrictive Covenants. The following restrictive covenants shall be recorded prior to, or in conjunction with, the recordation of any subdivision plat:
 - a. The required Homeowners' association for the townhome development shall be responsible for the maintenance of the exteriors of homes as follows: (a) painting, repair, maintenance and replacement of gutters and downspouts; (b) maintenance of roofs, shingles, sheathing and felt; (c) exterior building wall surfaces (exclusive of doors and windows); (d) common areas; and (e) the fence provided in Proffer 8; and

- b. The required Homeowners' association for the townhome development shall be responsible for the posting and maintenance of "Neighborhood Watch", "No Trespassing" and "No Solicitation" signs at each entrance to the townhome development in order to enhance security. (P)
11. Street Lights. Any street light standards shall not exceed fifteen (15) feet in height, shall be non-glare, decorative in style, and residential in character. (P)
12. Transportation.
- a. Direct vehicular access from the Property to Genito Road shall be limited to two (2) public roads. One of these public roads shall intersect Genito Road at the eastern property line and align with the existing crossover on Genito Road. The other public road shall intersect Genito Road towards the western property line. The exact location of both of these public roads shall be approved by the Transportation Department.
- b. The developer shall be responsible for:
- i. construction of additional pavement along Genito Road at each public road intersection to provide right turn lanes, based on Transportation Department standards,
- ii. full cost of traffic signalization at the crossover that aligns the eastern access, if warranted as determined by the Transportation Department, and
- iii. dedication of any additional right-of-way (or easements) required for these improvements.
- c. Prior to any construction plan approval, a phasing plan for the improvements identified in Proffered Condition 12.b. shall be submitted to and approved by the Transportation Department.
- d. All roads that accommodate general traffic circulation, as determined by the Transportation Department, shall be constructed to VDOT standards and accepted into the State System. (T)
13. No Access. No lots shall have vehicular access through Lake Genito or Genito Forest Subdivisions. (P)
14. Dwelling units shall have a minimum of one thousand seven hundred (1,700) square feet of finished floor area. (P)

AYES: Messrs. Gecker, Gulley and Bass.
NAY: Mr. Litton.
ABSTENTION: Mr. Wilson.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of the waiver to the "Residential Subdivision Connectivity Policy requirements to Lake Genito and Genito Forest Subdivisions.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.
ABSTENTION: Mr. Litton.

07SN0287: In Matoaca Magisterial District, **COMMONWEALTH CENTER III, LLC AND TCR MID ATLANTIC LAND ACQUISITION LIMITED PARTNERSHIP** requested amendment to rezoning (Case 98SN0137) and amendment of zoning district map relative to uses and Conditional Use to permit multifamily use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies in a Regional Business (C-4) District on 14.2 acres located in the southwest quadrant of the intersection of Commonwealth Centre and Brad McNeer Parkways. Tax ID 735-676-7611.

Ms. Peterson presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing the impact of the development on transportation facilities. She stated it should be noted that proffered conditions provide for the ability to age restrict occupants within the development that may result in enforcement issues and that no information had been submitted to substantiate a reduction in the number of parking spaces provided for non-age restricted dwelling units.

Mr. John V. Cogbill, III, the applicant's representative, presented a brief history of the proposal, noting it was a classic in-fill project. He stated the applicant had addressed the development's impact on transportation facilities, as evidenced by transportation cash proffer payments to date. He referenced support of the project by Messrs. D. O. Allen and Jeff Grubb.

Mr. Gecker opened the discussion for public comment.

Mr. Richard Kent, owner of properties located at 6000 and 6140 Brad McNeer Parkway, opposed the request, stating he felt the project would be detrimental to his property and the County overall.

Ms. Shelly Schuetz, a Matoaca resident, expressed concerns relative to the change in zoning and the impact of reduced proffers for age-restricted units on schools. She stated she felt the site was more appropriate for a park and consideration should be given to making the recreational facilities/park available to all residents, not just those residing in the project.

Dr. Mike Harton, President of the Responsible Growth Alliance for Chesterfield, expressed concerns relative to the loss of commercially-zoned land for residential development, noting that more commercial, not residential, development was needed in the County and that the property should be developed commercially.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Cogbill addressed the previously expressed concerns relative to the proposed use, vandalism and break-ins. He stated the project was desperately needed in the area to provide adequate, affordable housing, especially for young professionals.

In response to questions from Mr. Bass, Mr. Carmody addressed elements of the Cash Proffer Policy pertaining to requirements for residential versus commercial development; the impact of a reduction in the cash proffer should any of the units be age restricted and that the proffer calculation was based upon countywide averages which included dwelling units occupied by non-school age children.

In response to questions from Mr. Gecker, Mr. Cogbill stated the project was planned primarily to provide housing for young professionals, noting he was agreeable to removing the proffer related to age-restricted dwellings within the development.

Mr. Bass stated he felt the development would be an amenity to the community; however, he was troubled by the location, the change in zoning from commercial to residential and whether or not the use was needed.

Mr. Gulley questioned whether or not Mr. Kent had been advised that the subject property would be commercially developed when he invested in his site; indicated the original zoning was highly negotiated; and stated the majority of area residents supported the current proposal.

Mr. Gecker stated he did not see the benefit of changing the zoning from commercial to residential.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 07SN0280.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

04SN0224: In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting that while the proposed zoning and land use complied with the currently adopted *Upper Swift Creek Plan*, the proposal failed to comply with the proposed amendment of the *Plan*, which suggested that development in this area should be deferred.

Ms. Carrie Coyner, the applicant's representative, did not accept staff's recommendation, noting the proposal did comply with the currently adopted *Upper Swift Creek Plan* and the proffered conditions did address the development's impact on capital facilities. She stated the application, filed in 2004, was awaiting the outcome of the proposed *Upper Swift Creek Plan* Amendment to no avail and asked the Commission to forward a favorable recommendation to the Board of Supervisors for consideration.

Mr. Gecker opened the discussion for public comment.

Mr. Ted Lushch, a Lacy Farm Subdivision resident; Mr. Peter Martin, an area resident; Ms. Kitty Snow, a Moseley resident; Ms. Beverly Barbee, a Moseley resident; Ms. Shelly Schuetz, a Matoaca District resident;

and Dr. Mike Harton, President of the Responsible Growth Alliance for Chesterfield, opposed the request and expressed concerns relative to water quality, impacts on public facilities, sprawl and health, safety and welfare.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Ms. Coyner addressed previously expressed concerns, noting the request exceeded the requirements to mitigate its impact on capital facilities and asked the Commission to forward a favorable recommendation to the Board of Supervisors for consideration.

Mr. Bass expressed concerns relative to the development's impact on emergency medical service response, roads, schools and failure to comply with the proposed amendment of the *Upper Swift Creek Plan*.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 04SN0224.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

The Commission recessed at 9:58 p. m. and reconvened at 10:06 p. m.

06SN0215: (Amended) In Matoaca Magisterial District, **W. V. MCCLURE INC.** requested rezoning and amendment of zoning district map from Agricultural (A) and Multifamily Residential (R-MF) to Community Business (C-3) of 69.9 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) to Multifamily Residential (R-MF) of 8.7 acres plus Conditional Use Planned Development on the entire 78.6 acres to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 78.6 acres fronting approximately 1,700 feet on the north line of Cosby Road; also fronting approximately 1,300 feet on the east line of Otterdale Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 712-670-4080; 712-671-8544; 713-671-1799, 2000, 2660, 4107 and 7682; and 713-672-Part of 1358.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting that while the residential portion of the request was consistent with the *Upper Swift Creek Plan*, the proposed commercial zoning and land use portion was not in compliance.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation. He introduced Mr. Doug Cole, a land planner for the project, who presented an overview of the proposal outlining the goals, smart growth principles, the plan of development and layout of the project and the applicant's request for an exception to garage orientation requirements.

Mr. Gecker opened the discussion for public comment.

Ms. Shelly Schuetz, a Matoaca resident; Ms. Kitty Snow, a Moseley resident; Mr. Peter Martin, an area resident; Mr. Ted Lushch, a Lacy Farm Subdivision resident; and Ms. Marleen Durfee, a County resident, opposed the request citing concerns relative to the reduced cash proffer for age restricted units and the fact that impacts were based on countywide averages, including dwelling units which did not have school age

children; the location of commercial uses along Otterdale Road rather than internal to the development; the location of assisted living adjacent to the high school and potential compatibility issues; the lack of open space throughout the project; the impacts on water quality and transportation; and the timing of the development in relationship to road improvements.

Mr. Henry Gill, representing one of the property owners, and Mr. Norman Sadler, a Cosby Road resident, supported the request, noting the plan represented quality, mixed use development.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Bass suggested that a deferral may be in order to allow the Board of Supervisors to arrive at decisions related to area road improvement discussions with the developers of Magnolia Green.

After a brief discussion with his client, Mr. Cogbill did not accept the suggestion to defer the request; indicated the project, in conjunction with the adjacent Greenwich development, would complete the east/west connector road depicted on the *Thoroughfare Plan*; and asked the Commission to forward the request to the Board of Supervisors for consideration.

Mr. Bass made a motion to recommend denial of Case 06SN0215; Mr. Gulley seconded the motion.

There was discussion relative to the timing of development; phasing of road improvements; and transportation proffers.

In response to questions from the Commission, Mr. Cogbill stated the applicant would be willing to modify the proffers related to transportation prior to the Board meeting.

Upon conclusion of the discussion, there was general agreement that the proposal represented desired mixed use development.

Mr. Wilson indicated that the proposal represented smart growth and the applicants had agreed to accelerate their payment of the cash proffers to address transportation impacts.

The vote on Mr. Bass' motion to recommend denial of Case 06SN0215 was as follows:

AYES: Messrs. Gecker, Gulley and Bass.

NAYS: Messrs. Wilson and Litton.

At approximately 11:10 p. m., in accordance with the Commission's By-Laws, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission suspended their By-Laws to allow consideration of the remaining cases on the agenda.

Mr. Wilson suggested the Commission consider suspending their By-Laws on an hourly basis in an effort to complete the agenda.

Mr. Litton stated he was not inclined to continue the meeting beyond the present time frame.

Ms. McGee noted the By-Law's required a unanimous vote to suspend the By-Laws to continue the meeting.

The vote on Mr. Gulley's motion was as follows:

AYES: Messrs. Gecker, Gulley, Wilson and Bass.
NAY: Mr. Litton.

The motion failed for lack of a unanimous vote.

H. RECESS.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission recessed the meeting at 11:17 p. m. to Thursday, April 19, 2007, at 7:00 p. m., in the Public Meeting Room at the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

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